UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1998/L.92
16 April 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 20

RIGHTS OF THE CHILD

Argentina, Austria, Belgium*, Bolivia*, Brazil, Canada, Chile, Colombia*, Costa Rica*, Cuba, Czech Republic, Denmark, Dominican Republic*, Ecuador, El Salvador, Estonia*, Ethiopia*, Finland*, France, Germany, Greece*, Guatemala, Haiti*, Honduras*, Hungary*, India, Italy, Japan, Luxembourg, Mexico, Netherlands*, Nicaragua*, Paraguay*, Peru, Poland, Portugal*, Romania*, Slovakia*, South Africa, Spain*, Sweden*, Switzerland*, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

1998/... Rights of the child

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child,

Recalling its resolution 1997/78 of 18 April 1997, as well as all its previous resolutions on this subject,

Recalling also the adoption of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, the Programme of Action for the Elimination of the Exploitation of Child Labour and the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Taking note of General Assembly resolutions 52/98, 52/99, 52/105, 52/106 and 52/107 of 12 December 1997,

Reaffirming the Declaration and Plan of Action adopted by the World Summit for Children in 1990 and the Vienna Declaration and Programme of Action, which, inter alia, states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children such as female infanticide, harmful child labour, sale of children and their organs, child prostitution and child pornography as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal,

Expressing its support for the ongoing negotiations on the creation of a permanent international criminal court, and inviting those involved to be guided by the principles and the provisions of the Convention on the Rights of the Child, as appropriate,

Noting the work carried out by:

(a) The Committee on the Rights of the Child;

(b) The Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography;

(c) The recently appointed Special Representative of the Secretary-General for children in armed conflict to follow up the recommendations presented in the study concluded in 1996 by the expert appointed by the Secretary-General;

(d) The working groups on draft optional protocols to the Convention on the Rights of the Child relating to the involvement of children in armed conflict and to the sale of children, child prostitution and child pornography, respectively;

(e) The United Nations Children's Fund;

(f) Other relevant bodies and organizations of the United Nations system, regional organizations, intergovernmental and non-governmental organizations and institutions for the promotion and protection of the rights of the child, and encouraging the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions, natural disasters, armed conflicts, displacement, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Recommending that, within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Underlining the need for mainstreaming a gender perspective into all policies and programmes relating to children,

Reaffirming, as set out in the Convention, that the best interests of the child should be a primary consideration in all actions concerning children,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes:

(a) The nearly universal ratification of or accession by States to the Convention on the Rights of the Child whose number, according to the report of the Secretary-General (E/CN.4/1998/99), reached 191, and urges those States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority;

(b) The role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation, and takes note of the reports on its fourteenth, fifteenth and sixteenth sessions (CRC/C/62, 66 and 69);

(c) The publication by the United Nations Children's Fund of the Implementation Handbook for the Convention on the Rights of the Child, which constitutes an important advocacy tool to promote wider understanding of the principles and provisions of the Convention;

2. Calls upon States parties:

(a) To implement the Convention fully, to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

(b) To withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

(c) To accept the amendment to paragraph 2 of article 43 of the Convention, adopted by the Conference of the States Parties on 12 December 1995 and approved by the General Assembly in its resolution 50/155 of 21 December 1995, which would increase the membership of the Committee on the Rights of the Child from 10 to 18 experts upon its entry into force;

(d) To ensure that the rights set forth in the Convention are respected without discrimination of any kind based on the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;

(e) To ensure that the education of the child shall be carried out in accordance with articles 28 and 29 of the Convention and that the education be directed, inter alia, to the development of respect for human rights and fundamental freedoms, for the Charter of the United Nations and for different cultures and to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

(f) To ensure that every child alleged or recognized as having infringed the penal law is treated with dignity in accordance with the principles and relevant provisions of the Convention;

(g) And organs and bodies of the United Nations, within the scope of their respective mandates, as well as intergovernmental and non-governmental organizations, the media and the community at large, to make the principles and provisions of the Convention widely known to adults and children alike in accordance with article 42 and to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

3. Decides, with regard to the Committee on the Rights of the Child:

(a) To request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, while noting the temporary support given by the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child, based on voluntary contributions, which provides human resources to assist the Committee with the increasing workload due to the near universalization of the Convention, and requests the Office of the High Commissioner for Human Rights to brief Governments regularly on the implementation of the Plan of Action;

(b) To encourage the Committee, in monitoring the implementation of the Convention on the Rights of the Child, to continue to pay attention to the needs of children requiring special protection;

II

The girl child

4. Reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights;

5. Calls upon all States:

(a) To take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, and to take effective action against violations of those rights and freedoms;

(b) And international and non-governmental organizations, individually and collectively, to set goals and to develop and effectively implement gender-sensitive strategies to address the rights and needs of children, in

accordance with the Convention on the Rights of the Child, especially the rights and particular needs of girls in education, health and nutrition, and to eliminate harmful cultural attitudes and practices against girls;

(c) To eliminate all forms of discrimination against girls and the root causes of son preference, which result in harmful and unethical practices, inter alia by enacting and enforcing legislation protecting girls from violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse and exploitation, and by developing age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

(d) To intensify efforts to raise awareness of and to mobilize international and national public opinion concerning the harmful effects of female genital mutilation and other traditional or customary practices affecting the health of women and girls, in particular through education, information dissemination and training, involving, among others, public opinion leaders, educators, religious leaders, medical practitioners, women's health and family planning organizations and the media, in order to achieve the total elimination of these practices, and to support women's organizations at the national and local levels that are working for the elimination of female genital mutilation and other harmful traditional or customary practices;

III

Prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography

6. Welcomes:

(a) The report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Mrs. Ofelia Calceta Santos (E/CN.4/1998/101 and Add.1 and 2), which contains a general overview of the latest developments at the national and international levels on the themes under her mandate, and focuses this year on the role of the media and of education in the prevention of the problem of commercial sexual exploitation of children and in the assistance, rehabilitation and reintegration of the child victims;

(b) The report of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its fourth session (E/CN.4/1998/103);

(c) The measures taken by Governments to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, taking note of the biennial report of the Secretary-General thereon (E/CN.4/1997/11);

7. Calls upon all States:

(a) To develop urgently, implement and enforce measures to eliminate the sale, traffic, abduction and sexual exploitation or abuse of children, including through child sex tourism, keeping in mind especially the provisions of the Convention on the Rights of the Child and the concrete measures outlined in the Vienna Declaration and Programme of Action and in the Programmes of Action approved by the Commission in 1992, 1993 and 1996, as well as in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (A/51/385, annex), held in Stockholm in August 1996 at the initiative of the Government of Sweden;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography with the aim of an early agreement on the text, recalling the mandate given to the working group by the Commission in its resolution 1995/78;

(c) To criminalize effectively commercial and all other forms of sexual exploitation and sexual abuse of children, including child sex tourism, while ensuring that the child victims of such exploitation or abuse are not penalized for such practices, and to prosecute offenders, whether local or foreign, and to ensure that a person who exploits a child for sexual abuse in another country is prosecuted by competent national authorities, either in the offender's country of origin or in the destination country;

(d) To step up cooperation and concerted action, at the national and international levels, by all relevant authorities and institutions, especially those charged with law enforcement, with a view to combating the existence of a market that encourages such criminal practices against children and dismantling national and international networks trafficking in children;

(e) And relevant United Nations bodies and agencies to allocate resources for comprehensive and gender-sensitive programmes to rehabilitate physically and psychologically child victims of trafficking and of any form of sexual exploitation and abuse, and to promote their social reintegration;

(f) To work towards strengthening partnerships between Governments, international organizations and all sectors of civil society, particularly non-governmental organizations, in order to achieve these objectives, and welcomes the efforts already made in this respect;

(g) To cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting her to visit their countries;

8. Decides, with regard to the Special Rapporteur on the sale of children, child prostitution and child pornography:

(a) To renew the mandate for a further three years and to request the Secretary-General to provide the Special Rapporteur with all necessary assistance and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission on Human Rights at its fifty-fifth session;

(b) To invite the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission on the developments and recommendations on the broad range of issues under her mandate;

9. Decides, with regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to Governments, relevant specialized agencies, the Committee on the Rights of the Child, the relevant Special Rapporteur and intergovernmental and non-governmental organizations and to invite their comments, inter alia on the scope of the optional protocol, in time for circulation prior to the next session of the working group, and invites the Committee on the Rights of the Child to consider being represented and the Special Rapporteur to consider being present at the next session of the working group;

(b) To request the working group to meet for a period of two weeks prior to the next session of the Commission and to redouble its efforts with the aim of finalizing the draft optional protocol by the tenth anniversary of the Convention on the Rights of the Child and, to that end, encourages the Chairman of the working group to conduct broad informal consultations;

IV

Protection of children affected by armed conflict

10. Welcomes:

(a) The appointment for three years of the Special Representative of the Secretary-General for children in armed conflict, as proposed by the General Assembly in its resolution 51/77 of 12 December 1996, to follow up the practical recommendations contained in the final report of the expert appointed by the Secretary-General on this question (A/51/306 and Add.1), as well as his first report (E/CN.4/1998/119);

(b) The report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts on its fourth session (E/CN.4/1998/102), whilst regretting that consensus was not reached during that session;

11. Calls upon all States:

(a) To consider acceding to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts with the aim of an early agreement on the text and of the adoption of a higher standard of protection than the present one contained in article 38 of the Convention, recalling that the original draft used as a basis for the negotiations was prepared by the Committee on the Rights of the Child (E/CN.4/1994/91) and taking into account the report of the working group on its fourth session;

(c) In accordance with the norms of international humanitarian law, to integrate in their military programmes, including those for peacekeeping, instruction on responsibilities towards the civilian population, particularly women and children;

(d) And relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an

ongoing basis to international mine-clearance efforts and urges States to take stronger action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims, and welcomes increased international efforts in various forums with respect to anti-personnel mines, recognizes the positive effect on children of those efforts, and in this regard takes due note of the adoption of and implementation by those States that become parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, opened for signature in Ottawa in 1997, as well as the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, of 1996;

12. Calls upon all States and other parties to armed conflict:

(a) To respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent of 1995 entitled "Protection of civil population during armed conflict", and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

(b) To end the use of children as soldiers and to ensure their demobilization, and to implement effective measures for the rehabilitation and the reintegration into society of child soldiers, child victims in cases of armed conflict or foreign occupation, including victims of landmines and all other weapons, and victims of gender-based violence, inter alia through adequate education and training, and invites the international community to assist in this endeavour;

(c) As well as United Nations agencies to ensure access of humanitarian aid and assistance to children affected by armed conflict;

13. Reaffirms:

(a) That rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, and calls upon all States to take all measures

required for the protection of children and women from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and prosecute perpetrators;

(b) That all humanitarian responses in armed conflict situations should emphasize the special reproductive health needs of girls and women, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, as well as HIV/AIDS, and access to family planning services;

(c) The importance of preventive measures such as early-warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

(d) The importance of special attention for children in situations of armed conflict, in particular in the areas of health and nutrition, education and social reintegration, in developing emergency and other humanitarian assistance policies and programmes, and of enhanced coordination and cooperation throughout the United Nations system to this end;

(e) Its support for the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent concerning the assessment and monitoring of the consequences of sanctions upon children, as well as those concerning humanitarian relief;

14. Decides, with regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts:

(a) To request the Secretary-General to transmit the report of the working group on the draft optional protocol to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the Special Representative on children in armed conflict and intergovernmental and non-governmental organizations, and to invite their comments on annex I negotiated in plenary, as well as on annex II containing the "Chairman's perception" based on informal consultations in time for circulation prior to the next session of the working group, and invites the

International Committee of the Red Cross and the Committee on the Rights of the Child to consider being represented and the Special Representative to consider being present at the next session of the working group;

(b) To encourage the Chairman of the working group to conduct broad informal consultations with the aim of promoting an early agreement on the optional protocol and to produce a report thereon by the end of 1998 including, if possible, recommendations and/or ideas on the best way for the formal negotiations to proceed;

(c) To request the working group to meet in early 1999, primarily to consider the Chairman's report on the status of the informal consultations, which should be available well in advance, and to report to the Commission on Human Rights at its fifty-fifth session;

(d) To request the Secretary-General to give the necessary support to the working group to meet for a maximum of two weeks, if the working group decides that an agreement on the draft optional protocol is possible at that session;

(e) To reaffirm the aim of finalizing the draft optional protocol by the tenth anniversary of the Convention;

15. Decides, with regard to the Special Representative of the Secretary-General on children in armed conflict to recommend that the Secretary-General ensure that the necessary support is made available to the Special Representative for the effective performance of his mandate, to encourage the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights to provide support to the Special Representative, and to call upon States and other institutions to provide voluntary contributions for that purpose;

16. Decides, with regard to preventive measures, to request the Secretary-General, in cooperation with States, international organizations and relevant non-governmental organizations to consider modalities for organizing regional training programmes for members of the armed forces relating to the protection of children and women during armed conflicts;

V

Protection of refugee and internally displaced children

17. Calls upon all States:

(a) To protect refugee and internally displaced children, including through policies for their care, well-being and development, in such areas as health, education and psycho-social rehabilitation, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Committee of the Red Cross, in accordance with their obligations under the Convention on the Rights of the Child and taking into account the 1994 guidelines on protection and care of refugee children of the Office of the United Nations High Commissioner for Refugees, and the Conclusion on refugee children and adolescents adopted by the Executive Committee of the Programme of the High Commissioner at its forty-eighth session in October 1997, as well as the recommendations by the Representative of the Secretary-General on the internally displaced persons (see E/CN.4/1998/53 and Add.1 and 2);

(b) And United Nations bodies and agencies, in coordination with other international humanitarian organizations such as the International Committee of the Red Cross, to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children, taking into account the 1997 Guidelines on policies and procedures in dealing with unaccompanied children seeking asylum of the Office of the United Nations High Commissioner for Refugees;

(c) And other parties to armed conflicts to recognize that refugee and internally displaced children are particularly exposed to the risks of injury, exploitation and death in connection with armed conflicts, such as being forcibly recruited or subject to sexual violence, abuse or exploitation, stressing the special vulnerability of households headed by children, and calls upon Governments and United Nations bodies and organizations to give those situations urgent attention, enhancing protection and assistance mechanisms, with the participation of women and youth in the design, delivery and monitoring of measures to protect them;

VI

Elimination of the exploitation of child labour

18. Welcomes:

(a) The report of the Secretary-General on the elimination of the exploitation of child labour, submitted pursuant to General Assembly resolution 51/77 on the initiatives on the elimination of child labour contrary to accepted international standards and the appropriate means to improve cooperation in this area at the national and international levels (A/52/523);

(b) Recent publications and reports by the United Nations Children's Fund and the International Labour Organization on child labour, as well as the support given by them to governmental initiatives for the organization of international conferences on child labour at a regional or global level, at which declarations and programmes of action were adopted with the aim of the effective elimination of the exploitation of child labour, giving priority to the immediate elimination of the most intolerable forms of child labour and to the rehabilitation of those children and the search for alternatives;

(c) The legislative, administrative, social and educational measures taken by Governments to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development, taking into account in particular the relevant provisions of the Convention on the Rights of the Child and of the international instruments of the International Labour Organization, as well as the measures outlined in the Programme of Action for the Elimination of the Exploitation of Child Labour of 1993 and the Copenhagen Declaration and Programme of Action adopted by the World Summit on Social Development in 1995 (A/CONF.166/9, Chap. I), and calls upon relevant United Nations agencies and bodies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

(d) The efforts by the Committee on the Rights of the Child in the area of child labour, noting its recommendations on the economic exploitation of children adopted at its fifth session in January 1994 (see A/49/41), and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this serious problem when examining reports of States parties;

19. Calls upon all States:

(a) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to child labour, in particular those concerning the abolition of forced labour (No. 29) and the minimum age for admission to employment, including for particularly hazardous work (No. 138), and those States that are parties to those conventions to implement them effectively and urges all States, as a matter of priority, to eliminate all extreme forms of child labour such as forced labour, bonded labour and other forms of slavery;

(b) To eliminate progressively and effectively all forms of child labour contrary to the accepted international standards, starting with its most grave and intolerable forms, inter alia by implementing national action plans with specific target dates, as well as supporting the upcoming negotiations at the International Labour Organization for the early finalization of a future instrument aimed at eradicating the most intolerable forms of child labour;

(c) To recognize the right to education by making primary education compulsory and ensuring that all children have access to free and relevant primary education as a key strategy to prevent child labour, as well as making secondary education generally available and accessible to all, and in particular by the progressive introduction of free education;

(d) To systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour, and to develop and implement strategies for combating those practices, giving special attention to specific dangers faced by girls;

(e) To strengthen international cooperation and coordination, inter alia through the United Nations programme of advisory services in the field of human rights, the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations Children's Fund, as a means of assisting Governments in preventing and combating violations of the rights of the child, in particular the exploitation of child labour;

VII

The plight of children working and/or living on the street

20. Calls upon:

(a) All States, while expressing grave concern at the large number of children working and/or living on the street and at the continued growth in incidents and reports worldwide of such children being involved in and affected by serious crime, drug trafficking and abuse, violence and sexual exploitation, including through prostitution, to continue actively to seek comprehensive solutions to the problems of children working and/or living on the street, while emphasizing that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child, constitutes a significant step towards solving the problems of children working and/or living on the street;

(b) All States to ensure the reintegration of children working and/or living on the street into society and to provide, inter alia, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect, and encourages States to take the situation of children working and/or living on the street fully into account in preparing their reports to the Committee on the Rights of the Child, and requests the Committee and other relevant treaty monitoring bodies, within their existing mandates, to give due attention to the question of children working and/or living on the street;

(c) All States to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent and effective measures to prevent the killing of children working and/or living on the street and to combat torture and violence against them, and to ensure that legal and juridical processes respect children's rights in order to protect them against arbitrary deprivation of liberty, maltreatment or abuse;

(d) The international community to support, through effective international cooperation, the efforts of States to improve the situation of children in need of special protection measures, including in urban settlements in accordance with the Habitat Agenda (A/CONF.165/14) adopted by the United Nations Conference on Human Settlements (Habitat II), held in Istanbul, Turkey, in June 1996;

VIII

Children with disabilities

21. Welcomes the attention given by the Committee on the Rights of the Child, when considering the reports of the States parties to the Convention, to the subject of the rights of children with physical or mental disabilities to enjoy their lives with dignity and to their individual development and social integration, as well as the general debate on this issue, starting at the sixteenth session of the Committee in 1997, focused on the rights to life and development, self-representation and full participation and the right to an inclusive education, with the aim of preparing recommendations for the effective implementation of the Convention, and invites the Committee to continue its task in cooperation with the representatives of the relevant United Nations bodies and organizations, non-governmental organizations and the Special Rapporteur on disabled persons of the Commission for Social Development;

22. Calls upon all States parties to adopt, in accordance with article 23 of the Convention on the Rights of the Child, all necessary measures to ensure the full enjoyment in equal conditions of all human rights and fundamental freedoms by children with disabilities, especially ensuring the effective access of such children to education and health services, to develop and implement legislation prohibiting discrimination against these children and to include these measures in their reports to the Committee on the Rights of the Child;

IX

23. Decides:

(a) To request the Secretary-General to submit to the Commission at its fifty-fifth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;

(b) To continue its consideration of the question at its fifty-fifth session under the agenda item entitled "Rights of the child".